









DOCKET  
OF THE  
COURT OF APPEALS.

SUMMER TERM.

First Day—5th June.

Commonwealth v. Brightman, Lewis.  
Same v. Bennett, Powell.  
Same v. Myers, Lane.  
Same v. Starnes, &c., Powell.  
Same v. Smith, Carter.  
Same v. Kize, Lawrence.  
Same v. Allen, Meade.  
Same v. Mills, Meade.  
Same v. Chism, Meade.  
Same v. Myers, Lane.  
Same v. Reed, Nelson.  
Same v. Phelps, Edmonson.  
Same v. Long, Washington.  
Same v. Carter, Marion.  
Same v. Garton, Marion.  
Bowman v. Commonwealth, Marion.  
Alexander v. Smith, Franklin.  
Tobin v. Same, Franklin.  
Hunter v. Same, Jessamine.  
Thompson v. Same, Fayette.  
Russell v. Same, Shelby.  
Hawkins v. Same, Estill.  
Vallandigham v. Same, Owen.  
Garthright v. Same, Oldham.  
Curd, &c. v. Same, Whitley.  
McConrey v. Same, Campbell.  
Commonwealth v. Morgan, &c., Anderson.  
Same v. Kamp, Nelson.  
Same v. Logan, Garrard.  
Paxton, &c., v. Commonwealth, Nicholas.  
Goin v. Bacon, &c., Franklin.  
Middleton v. Hewlett, Shelby.  
Moyers' ex'r. v. J. Moyers, Shelby.  
Sampson v. Hackworth, Shelby.  
Brown's adm'r. v. Brown, Shelby.  
Robinson v. Redding, Shelby.  
Polk v. Baird, Shelby.  
McHenry v. Shelby College, Shelby.  
Owen, &c. v. Johnson, &c., Shelby.

Second Day—6th June.

Helm v. Pettigrew, Shelby.  
Lunsford's ex'r. v. Ogden, Henry.  
Bridgway v. Ridgeway's ex'rs, Henry.  
Fields, &c. v. Mills, &c., Spencer.  
Taylor v. McCracken, &c., Madison.  
Ogg v. Ogg, &c., Madison.  
Quinn v. White, Madison.  
Burgess v. Jacobs, Estill.  
Same v. Same, Estill.  
Third Day—7th June.  
Daniel v. Mize, &c., Estill.  
Swift, &c. v. Daniel, Estill.  
Robertson v. Snowden, &c., Estill.  
Cobb v. Harris, Estill.  
Harris v. Price, Estill.  
Nowland v. Bowman, Estill.  
Noland v. Adams, Estill.  
Daniel v. Judy, Estill.  
Alcorn, &c. v. Letcher, &c., Madison.  
Fourth Day—8th June.  
Richardson v. Noland, Madison.  
Burgin v. Shearer, Madison.  
Layne v. Monday, Madison.  
Butler v. Butler, &c., Madison.  
Gill v. Cook's adm'r, Garrard.  
Spilman v. Smith, Garrard.  
Best's ex'rs. v. Best's devisees, Garrard.  
Robertson v. Salter's ex'rs, Garrard.  
Smith v. Brown, Garrard.  
Fifth Day—9th June.  
Wright, &c. v. Arnold, &c., Garrard.  
J.A. Herring v. Same, Garrard.  
D. A. Herring v. Same, Garrard.  
Hopper v. Yates, &c., Garrard.  
Cobb v. Vaughan, Estill.  
Hunt v. Hunt, Allen.  
W. Hunt v. Same, Allen.  
Dodson v. Clark's ex'r, Barren.  
Hall v. Davidson, &c., Barren.  
Sixth Day—10th June.  
Page v. Murrell, &c., Logan.  
Gosson v. Patterson, Warren.  
Palmer v. Palmer's adm'r, Warren.  
Potts v. Potts, &c., Warren.  
Kolly v. Kelly's adm'r, Warren.  
Gaines' heirs v. Palmer, &c., Warren.  
Same v. Palmer's adm'r, Warren.  
Same v. Lawrence, Warren.  
McLean v. Eaves, Muhlenburg.  
Seventh Day—12th June.  
Daugherty v. Crab, Boone.  
Bank Ky. v. Vanmeter, Butler.  
Gaines v. Givens, &c., Lincoln.  
Stemmons v. Feland, &c., Lincoln.  
Miller v. Henley, Lincoln.  
Goode v. Alcorn, Lincoln.  
Goode v. Bradley, Lincoln.  
Lucas' heirs v. Lucas' ex'rs, Lincoln.  
Varnon v. Myers, Lincoln.  
Eighth Day—13th June.  
Sweeney v. Owsley, Lincoln.  
Rowton v. Sasseen, Lincoln.  
Sutton v. Sutton's adm'r, Lincoln.  
Southern v. Dunlap, Boyle.  
Woods' ex'r. v. Pigg, &c., Casey.  
Clawson v. Webb, Casey.  
Reid v. Frya, Casey.  
Hays v. Doolin, Pulaski.  
Barnes v. Barnes' heirs, Pulaski.  
Ninth Day—14th June.  
Kenly v. Starnes, Pulaski.  
Warren v. Dicken, Pulaski.  
Simpson v. Simpson's ex'r, Pulaski.  
Campbell v. Campbell's adm'r, Pulaski.  
Hawkins' adm'r. v. Armstrong, &c., Mercer.  
Walton v. Vannoy's ex'r, Knox.  
Gray v. Duncan, &c., Knox.  
Walker v. Kenningham, &c., Knox.  
Tenth Day—15th June.  
Kenningham v. Hays, &c., Knox.  
Disney v. Culton, &c., Knox.  
White's ex'r. v. Woolm, &c., Knox.  
Brittain v. Delling, Knox.  
Elliot v. Tuggle, Knox.  
Turner, &c. v. Eve, Knox.  
Ramsey, &c. v. Hopper, Knox.  
Brown v. Faulkner, Whitley.  
Cawood v. Watkins, Harlan.  
Eleventh Day—16th June.  
Cornett v. Creech, Harlan.  
Jones v. Brackett, &c., Clay.  
Wickliffe v. Reid, Clay.  
Moore v. Langford, Rockcastle.  
Brannan v. Palmer, Rockcastle.  
Wilson, &c. v. Wickliffe's ex'r, Clarke.  
Ballinger v. Same, Clarke.  
Milton, &c. v. Jarvis, &c., Clarke.  
Twelfth Day—17th June.  
Pindell v. Same, Clarke.  
Fowler v. Fowler, Clarke.  
Gibson v. Martin, Clarke.  
Green v. Brandenburg's ex'r, Clarke.  
Benning v. Puston, &c., Clarke.  
Benning, &c. v. Benning's ex'r, Franklin.  
Lindsey v. Rucker, Franklin.  
Irvine v. Wickliffe, Genl. Court.  
Wickliffe v. Irvine, &c., Carter.  
Thirteenth Day—19th June.  
Davis' adm'r. v. Dawson's adm'r, Carter.  
Evans v. Carter's adm'r, Carter.  
McGlocklin v. Gilbert, Carter.  
Carter Justices v. Boggs, &c., Carter.  
Bevins v. Cecil, &c., Pike.  
Brown v. Bevin, Pike.  
Leslie v. Crompton, Pike.  
Smith's adm'r. v. Dills, Pike.  
Fourteenth Day—20th June.  
Sowards v. Walton, Pike.  
Layne v. Kistner, &c., Floyd.  
Kistner v. Garrett's ex'rs, Floyd.  
Hatcher's ex'rs. v. Elliott, Floyd.  
Mayo v. Gearhart, &c., Floyd.  
Moore's adm'r. v. Wilson, Owsley.  
Walsh v. Day, Morgan.  
Garretts, &c. v. Harmon, &c., Morgan.  
Fifteenth Day—21st June.  
Perry v. Hensley, Morgan.

Lewis v. Smothers, Morgan.

Hazelton v. L. L. L. Morgan.

Rice v. Rice, Morgan.

Turman v. White's heirs, Lawrence.

Brown, &amp;c. v. King, Greenup.

Dorch v. Gray, &amp;c., Greenup.

Crooks v. Brinegar, Bath.

Sixteenth Day—22d June.

Tribble v. Hays' ex'r, Bath.

Cassidy v. Smith, Bath.

Satterfield v. Collier, &amp;c., Bath.

Proctor v. Walker, Bath.

Berry v. Everett, Bath.

Hopper v. McKinnivan, Bath.

Thomas v. Conner, Bath.

Wells, &amp;c. v. Williams, &amp;c., Bath.

Seventeenth Day—23d June.

Desha v. Rogers, &amp;c., Montgomery.

Hale v. Clark, &amp;c., Montgomery.

Willoughby v. Alexander, Montgomery.

Coons v. Beatty, Montgomery.

Beatty (color) v. Coons, Montgomery.

Young v. Gilky, Montgomery.

Johnson v. Cromwell, Montgomery.

Cluke v. Smith, Montgomery.

Eighteenth Day—24th June.

Daniel v. Daniel, Montgomery.

Gentry v. Spratt's ex'r, Montgomery.

Anderson (color) v. Crawford, &amp;c., Mont-

gomery.

Aldrop's adm'r. v. Aldrop's heirs, Mercer.

Wiley v. Clark, &amp;c., Mercer.

Blanton v. Sewell, &amp;c., Harlan.

Murphy v. Sampson, Anderson.

Tinsley v. Tinsley, &amp;c., Anderson.

Nineteenth Day—26th June.

McBrayer v. Bond, Anderson.

Hale v. Morgan, Anderson.

Searcy, &amp;c. v. Buckner, &amp;c., Anderson.

Hopper v. Sacy, &amp;c., Franklin.

Middleton, &amp;c. v. Rice, Franklin.

Bates v. Scott, Franklin.

O'Hara's adm'r. v. Price, &amp;c., Franklin.

Waller v. Combs, Carroll.

Twentieth Day—27th June.

Yancy v. Ford, Gallatin.

Barbour v. Byrd, Oldham.

Bruce v. Morrison, Lewis.

Same v. Same, Lewis.

Boyle's adm'r. v. Same, Lewis.

Boyle v. Oversturf, Bracken.

Frank v. Thompson, Bracken.

Linn v. Sims, &amp;c., Bracken.

Twenty-first Day—28th June.

Rice v. Patterson, Bracken.

Rice v. Coleman, &amp;c., Bracken.

Culp v. Blaydes, Bracken.

Luman v. Stewart, &amp;c., Fleming.

Walker, &amp;c. v. Anderson, &amp;c., Fleming.

Johnson v. Hunt, &amp;c., Fleming.

Holliday v. Gill, Fleming.

Phillips v. McAllister, Fleming.

Twenty-second Day—29th June.

Anderson, &amp;c. v. Browning, &amp;c., Fleming.

Jackson v. Jackson, Fleming.

Newdigate v. Gill, &amp;c., Fleming.

Quaintance v. White &amp; Co., Fleming.

Maysville Rail Road v. Gebhart, Mason.

Smith v. Kelly, Mason.

Cooper v. Power, Mason.

Key, &amp;c. v. Rogers, &amp;c., Mason.

Twenty-third Day—30th June.

Maysville Turnpike v. Howe, Mason.

Kilgore v. Bracken Turnpike, Mason.

Cincinnati Bank v. Lee's Trustees, Mason.

Walton's adm'r. v. Washington, Mason.

Newdigate v. Dills, Mason.

Chandler v. Wallingford, Mason.

Black's Germantown Turnpike, Bracken.

Mayhugh v. Mayhugh, Mason.

Twenty-fourth Day—1st July.

Lewis v. Greathouse, Mason.

Kerns v. Langhorne, &amp;c., Mason.

Snapp v. Royce, Nicholas.

Mayhugh v. Sampson, Nicholas.

Quaintance v. White &amp; Co., Fleming.

Maysville Rail Road v. Gebhart, Mason.

Smith v. Kelly, Mason.

Cooper v. Power, Mason.

Key, &amp;c. v. Rogers, &amp;c., Mason.

Twenty-fifth Day—2d July.

Rodes v. Rodes, Fayette.

McCourts v. McCourts' heirs, Fayette.

Scott v. Wickliffe, Fayette.

Wickliffe v. O'Bannon's adm'r, Fayette.

Robert, &amp;c. v. Ater, &amp;c., Fayette.

Sayre v. Bascom, Fayette.

Robinson v. Grimes, Fayette.

Payne v. McLean, &amp;c., Fayette.

Twenty-sixth Day—4th July.

Gilbert v. Oarlan, Fayette.

Ennis v. Wickliffe, Fayette.

Vandalens' Trustee v. Newland, &amp;c., Fayette.

Shipp, &amp;c. v. Bryant's ex'r, Fayette.

Miller v. Ellis, &amp;c., Scott.

Burbridge, &amp;c. v. Same, Scott.

Smith v. Glass, Scott.

Jones' heirs v. Green, &amp;c., Scott.

Twenty-seventh Day—5th July.

Risk v. Ireland, Scott.

Algaier v. Madoux, Scott.

Evans v. Thornton's ex'r, Woodford.

Kosson v. Fletcher, &amp;c., Jessamine.

Cleveland v. Matthews, Jessamine.

Bradley v. Rhorer, &amp;c., Jessamine.

Wilmore v. Wilmore, Jessamine.

Gaines v. Coleman's adm'r, Court Appeals.

Twenty-eighth Day—6th July.

Marr v. McCollin, &amp;c., Taylor.

Mudd v. Cralle, Taylor.

Withrow v. Young's ex'r, Marion.

Miller v. Smith, Marion.

Chelfe v. Simpson, Marion.

Langdon v. Jarboe, Marion.

Dyer v. Brown, Marion.

Simms v. Wayne, Marion.

Twenty-ninth Day—7th July.

Sweeney v. Hardin's ex'r, Marion.

Hood v. Creel, Marion.

Juliant v. Sansberry, Washington.

Delia v. Hays, Washington.

Webster v. Graves, &amp;c., Washington.

Farris' adm'r. v. McDonald, Washington.

Denny v. Wickliffe, Washington.

Graves v. Boles, Washington.

Thirtieth Day—8th July.

Hawkins' heirs v. Jones, &amp;c., Washington.

Price, &amp;c. v. Price's heirs, Nelson.

McDonald's ex'r. v. Wilson, Nelson.

Nesbit v. Thompson, &amp;c., Spencer.

McDonald v. McDonald, Spencer.

Guthrie v. Heady, Spencer.

Crane v. Lynch's heirs, Hardin.

Thirty-first Day—10th July.

Rawling's ex'r. v. Ann, Hardin.

Brown v. Hornebeck, Hardin.

Dunavan v. Goughen, Harlan.

Taber's adm'r. v. Harlan, Hardin.

Same v. Same, Hardin.

Carter v. Conway, Hardin.

Wintersmith v. Owens, &amp;c., Green.

Woods' heirs v. Hunt, Hart.

Thirty-second Day—11th July.

Wagner v. Cobb, Hart.

Same v. Same, Hart.

Same v. Carter, Hart.

Taylor v. Craddock, Hart.

Dowell v. Mills, Meade.

Thirty-third Day—12th July.

Robertson v. Young's adm'r, Meade.

Byrne v. Morgan's heirs, Meade.

Morgan's heirs v. Crist's heirs, Meade.

Crutcher v. Vowle's adm'r, Meade.

Woodward v. Hoover, Ohio.

Newman v. Snyder, Marshall.

Same v. Berryman, Marshall.

McCawley v. Patterson, &amp;c., Livingston.

Phillips' heirs v. Jamison, Livingston.

Magness v. Dailey, Jefferson.

Thirty-fourth Day—13th July.

Alexander v. Hyman, Jefferson.

Fisher v. Stevens, Jefferson.

Woodrow v. Rodes, Jefferson.

Blankenbaker v. Blankenbaker, Jefferson.

McArthur v. Rothchild, &amp;c., Jefferson.

Jackson &amp; Co. v. Thompson, Jefferson.

McKinn v. Claggett, Jefferson.

Thirty-fifth Day—14th July.

Boutillier v. Heywood, Jefferson.

Pugh v. Handley, Jefferson.

Ricketts v. Force, Jefferson.

Wells v. Pundston, &amp;c., Jefferson.

Klock v. Protection Ins. Co., Jefferson.

Bentley v. Bustard, Jefferson.

Cotter v. Thornberry, Jefferson.

Thirty-sixth Day—15th July.

Gunn v. Goodell, Jefferson.

Willhoit v. Preston, Jefferson.

Swearingen v. Hubbard, Bullitt.

Swearingen v. Harmon, &amp;c., Bullitt.

Duncan v. Brown, Meade.

Evan v. Behn, Louisville Chancery.

Gregory v. Gregory, Louisville Chancery.

Thirty-seventh Day—16th July.

McBride v. Woodruff, Louisville Chancery.

Lewis v. Godshaw, Louisville Chancery.

Baxter v. Gosnell, &amp;c., Louisville Chancery.

Bank Kentucky v. Pilcher, assignee, Louis-

ville Chancery.

Rudd v. Same, Louisville Chancery.

Johnston, &amp;c. v. Hardwicke, Louisville Chan-

cery.

Brittenham v. Randolph, &amp;c., Louisville

Chancery.

Thirty-eighth Day—18th July.

Woodfolk v. Chamberlain, Louisville Ch'y.

Breckinridge's ex'r. v. Fishback, Lou. Ch'y.

Stivers v. Stivers, Lou. Ch'y.

Bank Ky. v. Pilcher, Lou. Ch'y.

Swiger v. Bank Ky., &amp;c., Lou. Ch'y.

Jeff. Pond Draining Company v. McGruder,

Lou. Ch'y.

Asberry Chapel v. Harper, Lou. Ch'y.

Thirty-ninth Day—19th July.

Town of Portland v. Gray's heirs, Lou. Ch'y.

Watson v. Ledlie, Lou. Ch'y.

Kinkead v. Ferguson, Lou. Ch'y.

Johnston v. Long, Lou. Ch'y.

Jarvis v. Davis, &amp;c., Lou. Ch'y.

Skaggs, &amp;c. v. Stafford's adm'r, Lou. Ch'y.

Reese v. Beatty, Lou. Ch'y.

Fortieth Day—20th July.

Smith v. Smith, Lou. Ch'y.

Mulchay's adm'r. v. Kyle, &amp;c., Lou. Ch'y.

Joyce, &amp;c. v. Redd, &amp;c., Lou. Ch'y.

Shelbyville Turnpike v. Dorsey, Lou. Ch'y.

Lloyd's adm'r. v. McCawley, Lou. Ch'y.

Taylor v. Winston's heirs, Taylor.

Planters Bank Tenn. v. Thompson, Trigg.

Forty-first Day—21st July.

Cains v. Fellows &amp; Co., Trigg.

McAllister v. Burnett, Trigg.

Pyle, &amp;c. v. Pyle's heirs, Christian.

Oulton v. Scott, &amp;c., Union.

Sharp's ex'rs. v. Dunavan, Christian.

Ky. Seminary v. Wallace, Christian.

Bravner v. Smith, Franklin.

Forty-second Day—22d July.

Simpson v. Hawkins, &amp;c., Franklin.

Harriet v. Williams, Franklin.

Yelton v. Wells's heirs, Franklin.

Finnell v. Coleman, &amp;c., Franklin.

Ellen, &amp;c. v. Laird, Franklin.

McGuire v. Harper, Franklin.

Forsee v. Busbridge, Franklin.

Forty-third Day—24th July.

Roe v. McKnight, Harrison.

Jackson's adm'r. v. Jackson's h's, Harrison.

Kize v. Gallagher, &amp;c., Harrison.

McClintock v. Reese, Harrison.

Patterson v. Gray, Harrison.



